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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,170	12/15/2000	Leroy B. Keely	03797.00086	8089

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EXAMINER	
KUMAR, SRILAKSHMI K	

ART UNIT	PAPER NUMBER
2675	18

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/736,170	KEELY ET AL.	
	Examiner	Art Unit	
	Srilakshmi K. Kumar	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-8,13-15,28-30 and 32-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-8,13-15,28-30 and 32-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following office action is in response to Amendment C, filed March 17, 2004. Claims 5-8, 13, 28, 29 have been amended. Claims 2-4,9-12,17-24 and 31 have been cancelled. Claims 32-39 have been newly added. Claims 5-8, 13-15, 28-30, 32-39 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 5-8, 13-15, 28-30, 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran et al (US 5,404,439) in view of Fitzpatrick et al (US 5,546,527), and further in view of Moran et al (US 5,861,886) (known hereafter as Moran '886).

As to independent claim 13, Moran et al disclose a method of implementing a tap input to a computer comprising the steps of: determining of whether a location of said tap includes wet ink, (col. 4, lines 15-60); and responsive to the step of determining, performing at least one of adding a dot of ink, (col. 5, lines 21-38). Moran discloses "touch" which would have been obvious to one skilled in the art that the touch could have been a tap. Further, in col. 6, lines 37-55, the user uses strokes, thus showing Moran's capability of a stroke and a tap. Although, Moran et al do not explicitly state wet ink, in Fig. 2, item 37 is draw and item 43 is fill, when draw or fill is selected, "ink" will be deposited on the digitizer with the input pen. It would have been obvious to one of ordinary skill in the art that this clearly discloses where the tap would include wet ink or adding a dot of ink.

As to independent claims 28 and 32, a method of classifying a user's input to a computer comprising the steps of: receiving a user's input (col. 3, lines 21-40); choosing whether the user's input is a stroke; a tap, a hold, or a hold and drag based on at least one of the input satisfying a first move threshold, a time threshold, and a second move threshold (col. 17, lines 25-35, col. 5, lines 5-13, col. 7, lines 37-61). Moran et al disclose where the computer incorporates software controlled by computer inputs in col. 1, lines 12-14. Moran et al do not disclose a hold and drag. Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

Moran et al disclose a method for operating a digitizer capable of measuring the duration of a user input and capable of detecting movement, comprising the steps of: receiving user input (col. 3, lines 21-40); classifying the user input by using at least one of a time threshold (col. 17, lines 25-35) and a movement threshold; and, performing an action based on the user input (col. 5, lines 1-38). Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time

measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

Where Moran et al and Fitzpatrick et al do not disclose a hold and drag or a draggable feature, Moran '886 discloses a digitizer where objects are draggable. In col. 2, lines 62-col. 3, lines 8, Moran '886 disclose the method in which objects are draggable. It would have been obvious to one of ordinary skill in the art to incorporate the feature dragging objects into that of Moran et al and Fitzpatrick et al as in col. 2, lines 62-66, Moran '886 disclose the technique aids in organizing different objects especially in draw or paint type projects (col. 3, lines 43-49 of Moran '886).

As to independent claim 38, see limitations of claims 28 and 32.

As to dependent claim 5, limitations of claim 38, and further comprising, wherein, if said input satisfies said first move threshold, the input is classified as a stroke (col. 9, line 60-63, col. 11, line 20-col. 12, line 52).

As to dependent claim 6, limitations of claim 38, and further comprising, wherein, if said input does not satisfy said first move threshold and said input does not satisfy said time threshold, the input is classified as a tap (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claim 7, limitations of claim 38, and further comprising, wherein, said input does not satisfy said time threshold and said input does not satisfy said second move threshold, said input is classified as a hold (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claim 8, limitations of claim 38, and further comprising, wherein, if said input does not satisfy said time threshold and said input satisfies said second move threshold, said input is classified as a hold and drag (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claim 14, limitations of claim 7, further comprising the step of: simulating a right mouse click responsive to said input being classified as a hold (col. 3, lines 24-27).

As to independent claim 15, see limitations of claims 28 and 38.

As to dependent claims 29 and 30, see limitations of claims 28 and 38, above.

As to dependent claim 33, limitations of claim 32, and further comprising, wherein the user input is caused by a stylus contacting the digitizer, and the user input ends when the stylus no longer contacts the digitizer. Moran et al disclose where the stylus/pen makes contact with the digitizer in col. 3, lines 27-40.

As to dependent claim 34, limitations of claim 32, and further comprising, responsive to the user input (col. 3, lines 21-40) moving at least the first distance as determined by the step of first determining, classifying the user input as a first type of input (col. 17, lines 25-35, col. 5, lines 5-13, col. 7, lines 37-61).; responsive to the user input ending before the certain amount of time as determined by the step of second determining, classifying the user input as a second type of input different from the first type of input (col. 17, lines 25-35, col. 5, lines 5-13, col. 7, lines 37-61); and responsive to an outcome of the step of third determining, classifying the user input as either a third type of input different from the first and second types of input or a fourth type of input different from the first, second and third types of input (col. 17, lines 25-35, col. 5, lines 5-

13, col. 7, lines 37-61). Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

As to dependent claim 35, limitations of claim 32, and further comprising, responsive to the user input moving at least the first distance as determined by the step of determining, fourth determining whether input begins on a draggable object. Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20. Where Moran et al and Fitzpatrick et al do not disclose a hold and drag or a draggable feature, Moran '886 discloses a digitizer where objects are draggable. In col. 2, lines 62-col. 3, lines 8, Moran '886 disclose the method in which objects are draggable. It would have been obvious to one of ordinary skill in the art to incorporate the feature dragging objects into that of Moran et al and Fitzpatrick et al as in col. 2, lines 62-66, Moran '886 disclose the technique aids in organizing different objects especially in draw or paint type projects (col. 3, lines 43-49 of Moran '886).

As to dependent claim 36, limitations of claim 35, and further comprising, responsive to the user input beginning on a draggable object as determined by the step of fourth determining, fifth determining whether the user input satisfies a drag threshold. Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20. Where Moran et al and Fitzpatrick et al do not disclose a hold and drag or a draggable feature, Moran '886 discloses a digitizer where objects are draggable. In col. 2, lines 62-col. 3, lines 8, Moran '886 disclose the method in which objects are draggable. It would have been obvious to one of ordinary skill in the art to incorporate the feature dragging objects into that of Moran et al and Fitzpatrick et al as in col. 2, lines 62-66, Moran '886 disclose the technique aids in organizing different objects especially in draw or paint type projects (col. 3, lines 43-49 of Moran '886).

As to dependent claim 37, see limitations of claims 13, 35 and 36, above

As to dependent claim 39, see limitations of claim 38, above.

Response to Arguments

3. Applicant's arguments with respect to claims 5-8, 13-15, 28-30 have been considered but are moot in view of the new ground(s) of rejection. .

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label

"PROPOSED" or DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,

Arlington, VA, Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
March 19, 2004

DENNIS-DOON CHOW
PRIMARY EXAMINER